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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ExxonMobil Chemical Company
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EXAMINER

VO, HAI

ART UNIT PAPER NUMBER

1771

/ 03

DATE MAILED: 01 22 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,123

Applicant(s)

AMON, MORIS M.

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Election/Restrictions

1. This application contains claims 7-11 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. The examiner suggests that Applicant reserves the right to request the method claims to be rejoined with the product claims upon indication of the product claims as being allowable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 4 and 6 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Koontz (US 6,022,902). Koontz discloses a plasma treated porous polymeric layer having the porosity of 35 to 60% (column 6, lines 48-50). Koontz teaches the plasma treated porous film having the

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pores being accessible to fluids that contact the exterior surface of the porous film (column 6, lines 17-19). Koontz teaches the plasma treated porous film can be used as a filtration media, a carriers for immobilizing bioreactive components, a support for solid-phase organic synthesis (column 18, lines 46-53). Koontz is silent as to a receding contact angle and a pore accessibility for water. However, Koontz is using the same plasma discharge to treat the surface of the same porous film as Applicant, it is the examiner's position that the receding contact angle and the pore accessibility for water would be inherently present. It seems from the claim, if one meets the structure recited, the properties must be met or Applicant's claim is incomplete (Note discussion found in Ex parte Slob, 157 USPQ 172). In addition, the examiner wishes to point out that as the USPTO is unequipped to perform the necessary experimentation, the burden of showing the receding contact angle and the pore accessibility for water outside the instantly claimed range is shifted to Applicant.

6. Claims 1- 4 and 6 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kubota et al (US 5,340,672) Kubota discloses a plasma treated porous polyolefin membrane having the porosity of 40 to 70% (column 3, lines 20-23). Koontz teaches the surface of the plasma treated porous membrane can be coated with a latex (example 2). Koontz is silent as to a receding contact angle and a pore accessibility for water of the porous membrane prior to a latex coating. However, Kubota is using the same plasma discharge to treat the surface of the same porous membrane as Applicant, it is the

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examiner's position that the receding contact angle and the pore accessibility for water would be inherently present. It seems from the claim, if one meets the structure recited, the properties must be met or Applicant's claim is incomplete (Note discussion found in Ex parte Slob, 157 USPQ 172). In addition, the examiner wishes to point out that as the USPTO is unequipped to perform the necessary experimentation, the burden of showing the receding contact angle and the pore accessibility for water outside the instantly claimed range is shifted to Applicant.

7. Claims 1- 4 and 6 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP-02208333. JP'833 discloses a plasma treated porous polyethylene film having a wetting index greater than 54 dyn/cm, a throughpore diameter of 0.001-0.5 micron. JP'833 is silent as to a porosity, a receding contact angle and a pore accessibility for water. However, JP'833 is using the same plasma discharge to treat the surface of the same porous film as Applicant, it is the examiner's position that the porosity, the receding contact angle and the pore accessibility for water would be inherently present. It seems from the claim, if one meets the structure recited, the properties must be met or Applicant's claim is incomplete (Note discussion found in Ex parte Slob, 157 USPQ 172). In addition, the examiner wishes to point out that as the USPTO is unequipped to perform the necessary experimentation, the burden of showing the receding contact angle and the pore accessibility for water outside the instantly claimed range is shifted to Applicant.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koontz (US 6,022,902) or Kubota et al (US 5,340,672) or JP02208333 as applied to claim 1 above, in view of Chung (US 5,837,365). The primary reference is silent as to the porous substrate being isotactic polypropylene. Chung teaches a hydrophilic membrane made from isotactic polypropylene (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ isotactic polypropylene to be a porous substrate in Koontz motivated by the desire to obtain an article that is dimensionally stable and permanently hydrophilic under operating conditions.

Response to Arguments

9. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV
January 10, 2003



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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